

Re: Are you perchance available for a quick call?**Koster, Emlyn****Sent:**Wednesday, August 14, 2013 8:55 AM**To:** Ford Bell [fbell@aam-us.org]**Cc:** Dewey Blanton [dblanton@aam-us.org]; Julie Hart [jhart@aam-us.org]

Thanks Ford. "Excluded" means serving at the pleasure of the government and without the usual protections of public service employment.

Emlyn Koster, PhD

Director, North Carolina Museum of Natural Sciences

11 West Jones Street

Raleigh, NC 27601

919.707.9801

On Aug 14, 2013, at 8:49 AM, "Ford Bell" <fbell@aam-us.org> wrote:

Emlyn,

I am not sure I understand the situation fully. I don't know what "excluded managers" are. I am copying Julie Hart on this, and also Dewey Blanton, in our office. I am not sure who is in the office today, but they will coordinate a response to you on this, since it is time-sensitive.

Thanks,

Ford

Sent from my iPad

On Aug 14, 2013, at 9:44 AM, "Koster, Emlyn" <emlyn.koster@naturalsciences.org> wrote:

Thanks Ford, I'll look forward to speaking but I'll ask you my question now. The NC government is significantly expanding the number of so-called excluded managers and five at the Museum look to be included (I am already from my appointment). Does AAM accreditation concern itself with this master at all, and if so how please?

Your quick response, if possible, would be most helpful.

Safe travels, Emlyn

Emlyn Koster, PhD

Director, North Carolina Museum of Natural Sciences

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On Aug 14, 2013, at 8:36 AM, "Ford Bell" <fbell@aam-us.org> wrote:

Dear Emlyn,

I am in Rio attending the ICOM conference, and don't have phone access. I will be back in the office on Friday, however.

All the best,

Ford

Sent from my iPad

On Aug 13, 2013, at 6:42 PM, "Koster, Emlyn" <emlyn.koster@naturalsciences.org> wrote:

Hello Ford,

... Either this evening or before 9 am tomorrow: cell [REDACTED]
[REDACTED]

Thanks, Emlyn

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RE: excluded employees

Julie Hart [jhart@aam-us.org]

Sent: Wednesday, August 14, 2013 4:52 PM

To: Koster, Emlyn

Dear Emlyn,

Here' is some additional input I turned up.

I posed the situation you described to Bonnie Styles, director of the Illinois State Museum, and Stuart Ashman, former secretary of cultural affairs for New Mexico, who had the state museum system under him. Here's what they said:

Bonnie: For the Illinois State Museum system, all of the senior management staff members are at will employees. [Note that none are political appointees.] We have all kinds of rights through our governing Illinois State Museum Board and associated Board of the Illinois State Museum Policy, Procedure, and Information Manual. Our professional and technical staff became bargaining unit employees in 2011. They are technically at will as well, but are protected by the AFSCME Union contract and are still partially under and protected by our Governing Board and associated Policy Manual. The Personnel Committee of the Board has to approve any appointments, promotions, or terminations of a management, professional, or technical staff member. There are some states where the Director is a political appointee (appointed by the Governor) and could lose his/her job when a new governor comes into office. However, being an "at will employee" does not mean that staff members are necessarily at risk of losing their jobs when someone else comes into office and generally there are protections against unjust terminations in state employee personnel policies and Board policies.

Stuart: In the case of New Mexico, there were 4 directors that were in the "exempt" or appointed positions and 4 directors that were in the "classified" or protected positions.

When I took office we made them all "exempt" because that allowed us to make them "division directors" which made them more autonomous and allowed for more flexibility in salaries.

The rationale was that (in the real world) museum directors report to boards and can be removed at any time without protection. This engenders a "sit on the edge of your seat" attitude and prevents "old wood" – at least in theory. In New Mexico, and thanks in part to the work that Tom Livesay did and then followed by me, the so called exempt positions are appointed by their respective boards and answer to them. In the case of my department, I had slightly higher authority than the board as they recommended, I approved and then submitted to the Governor for final approval. The New Mexico statutes makes the boards, the actual "owners" of the museums and their collections, which gives a buffer. Obviously, since these boards are appointed by the Governor, the buffer could be paper thin.

The question regarding the state you are asking about is what is their motivation for doing this. IF it is to have control over those positions, that may not be a good thing. If it is to give the museum directors higher standing, then that is a good thing. In New Mexico, the museum directors were Division Directors – that is equal to the head of the Motor Vehicles Division. Previously they were "bureau chiefs" which is on a par to a head clerk.

Since your museum is a Tier 3 member one of the benefits it having access to the Information Center's customized research. So I asked the Information Center staff, confidentially, to see what they could find about the practice you described. What turned up was more geared towards technicalities of "at-will" employment (which seems to be the norm), but maybe this will still be helpful. For example:

- Indiana State Museum – the Indiana State personnel policies (in the Employee Handbook) state

up front that all state employees are "at will" <http://www.in.gov/spd/files/eehandbook.pdf> - first paragraph of the Preface states: "Unless otherwise covered by the provisions of Indiana Code 4-15-2.2-21 concerning the state classified service or other applicable statute, all state employees are employed at will and may be dismissed, demoted, disciplined or transferred for any reason that does not contravene public policy."

- University of Alabama Museums are under the State run University of Alabama that has employment "at will". Under General Employment Policies the first section is on Employment At Will, page 3: http://hr.ua.edu/employment/Staff_Handbook.pdf

Hope this additional insight is helpful. Call on me if there's anything else I can do for you.

--Julie

From: Koster, Emlyn [mailto:emlyn.koster@naturalsciences.org]
Sent: Wednesday, August 14, 2013 11:28 AM
To: Julie Hart
Subject: Re: excluded employees

Thanks for exploring this matter so quickly for us Julie.

Emlyn Koster, PhD
Director, North Carolina Museum of Natural Sciences
11 West Jones Street
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On Aug 14, 2013, at 11:24 AM, "Julie Hart" <jhart@aam-us.org> wrote:

Dear Emlyn,

Per our phone call, the situation you described about "excluded" employees is one that I am not familiar with in terms of its prevalence at other state-run museums. But I have of emails out to a couple colleagues in other state-run museums to see if their situation is similar to yours, or if they've heard of it at other museums. I didn't id the museum. AAM's information center staff is also looking for any info we might have on the topic.

In terms of accreditation, having some or all employees, including the senior staff, in the excluded category would not in-and-of-itself automatically negatively impact the museum's accreditation, since we realize this is usually not something in the museum's control. However, if we saw during an accreditation review that a result of this set up was causing high turnover and extended vacancies in essential positions (or other symptoms) which in turn were putting collections or visitors at risk or negatively impacting the museum's ability to fulfill its mission, the Visiting Committee or Accreditation Commission might raise it as an issue of concern.

I'll pass on any additional intel I get.

--Julie

Julie Hart

Senior Director, Museum Standards & Excellence

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<image001.jpg>

Re: excluded employees

Koster, Emlyn

Sent: Wednesday, August 14, 2013 11:28 AM

To: Julie Hart [jhart@aam-us.org]

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--Julie

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